IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

WP(C).No. 30188 of 2007(R)

EP 75/03 in OS.157/1980 of MUNSIFF COURT, PARAVUR

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PETITIONER:

KARTHIKEYAN, S/O. VELAYUDHAN,
AGED 58, KEEZHOTHU THUNDIPADAM VEETTIL,
NANDIATTUKUNNAM, NORTH PARUR, ERNAKULAM DISTRICT.

BY ADV. SRI.B.RAMACHANDRAN
SMT.JOLIMA GEORGE
SMT.P.N.INDU

RESPONDENT:

SREEMATHI, D/O. VELAYUDHAN,
KEEZHOTHU THUNDIPADAM HOUSE, NANDIATTUKUNNAM,
NORTH PARUR, ERNAKULAM DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.30188 of 2007

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Dated this the 18th day of October, 2007.

JUDGMENT

This Writ Petition is filed challenging Ext.P1. The Execution Petition is filed under Order 21 Rule 32 of C.P.C. for punishment for violation of the decree and for implementation of the decree. The court below only directed the branches of the over hanging trees to be cut and removed and on receipt of the same closed the Execution Petition. Therefore, it is very clear that the court has not taken into consideration the prayers sought for in the Execution Petition. The court has to one way or other decide the matter, which is placed before it and it should not have been closed by the court.

2. Therefore, the direction of the Munsiff closing the E.P. is set aside and he is directed to restore the Execution Petition and consider the prayer in the Execution Petition after permitting the parties to adduce evidence and dispose of the matter in accordance with law.

Writ Petition is disposed of accordingly.

M.N.Krishnan,
Judge.

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